

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

09617.1001

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,261,291, granted July 17, 2001 and for which a reissue patent is sought on the invention entitled _____,

ORTHOPEDIC IMPLANT ASSEMBLY

the specification of which

☒ is attached hereto.☐ was filed on _____ as reissue application number _____

and was amended on _____ .

(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

The new claim 29 is broader than issued claims 1 and 23 of the U.S. Patent No. 6,261,291 in several aspects. New claim 29 is directed to an attachment member that has an "attachment component" which does not require "an anterior surface" and "a posterior surface" as required by the issued claims. Moreover, the new claim 29 includes a "stopping surface" which does not require "a biased stopping member" as set forth in the issued claims. Additionally, new claim 29 does not positively include a securing member.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)	Docket Number (Optional)
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Edward J. Lynch Registration Number 24,422

Correspondence Address: Direct all communications about the application to:

☐ Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Edward J. Lynch				
Address	One Market				
Address	Spear Tower, Suite 2000				
City	San Francisco	State	CA	Zip	94101
Country	U.S.				
Telephone	(415) 371-2267	Fax	(415) 371-2201		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)
David J. Talaber

Inventor's signature	Date
Residence <u>5185 Charlotte Way, Livermore, CA 94550</u>	Citizenship <u>U.S.</u>

Mailing Address
Same

Full name of second joint inventor (given name, family name)
James R. Lloyd

Inventor's signature	Date
Residence <u>1080 Circle Dr., Elm Grove, WI 53122</u>	Citizenship <u>U.S.</u>

Mailing Address
Same

Full name of third joint inventor (given name, family name)

Inventor's signature	Date
Residence	Citizenship

Mailing Address

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CONSENT OF ASSIGNEE TO REISSUE, POWER OF ATTORNEY AND STATEMENT UNDER 37 C.F.R. 1.373(b)		Docket Number (Optional) 09617.1001
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) TALABER ET AL.		
Patent Number 6,261,291	Date Patent Issued 09617.1001	
Title of Invention ORTHODPEDIC IMPLANT ASSEMBLY		
1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96) Statement of Ownership: Assignee Acantha LLC is the holder of all right, title and interest in the U.S. Pat. No. 6,261,291 by virtue of assignment recorded on June 4, 2002 at reel/frame 012967/0893. 2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.		
One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee". The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.		
The assignee(s) owning an undivided interest in said original patent is/are _____, and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) ACANTHA LLC		
Signature	Date	
Typed or printed name and title of person signing for assignee (if assigned) David J. Talaber, President		

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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